

House Bill 510

By: Representatives Butler of the 18th, Harbin of the 118th, Roberts of the 154th, and Levitas of the 82nd

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly in general, so as to provide for the issuance of subpoenas to testify and produce documents by the chairpersons and vice chairpersons of the Senate and House appropriations committees; to provide for failure to comply with a subpoena and for the criminal punishment thereof; to provide for service, witness fees, and records; to provide for other related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly in general, is amended by adding a new Code section to read as follows:

"28-1-18.

(a) The chairpersons and vice chairpersons of the Senate and House appropriations committees may issue subpoenas to witnesses to compel them to give sworn testimony or produce documents or both before the appropriations committees or the subcommittees thereof. A subpoena issued under this Code section may be served anywhere in Georgia.

(b)(1) Any person who willfully fails to comply with a subpoena under this Code section or who, having appeared, refuses to answer any question pertinent to the question under inquiry shall upon conviction be guilty of a misdemeanor.

(2) Upon the failure of a person under subpoena to appear or answer pertinent questions, the chairperson or vice chairperson issuing the subpoena shall make a certification of such fact to the appropriate prosecuting attorney who shall have the duty to promptly investigate and prosecute any violation of this Code section.

(c) Service of subpoenas issued under this Code section shall be made by any person appointed for such purpose by the presiding officer of the Senate or the House of Representatives.

(d) Witnesses appearing under subpoena shall be entitled to witness fees as provided in Code Section 24-10-24. In the case of a person who resides outside of Fulton County, service of a subpoena under this Code section shall be accompanied by the tender of a witness fee and mileage in the same amounts as specified under Code Section 24-10-24. The legislative fiscal officer shall issue checks for this purpose upon requisition of the chairperson or vice chairperson issuing the subpoena, and tender of payment in the form of a check so issued shall suffice to validate the service.

(e) The Secretary of the Senate and the Clerk of the House of Representatives shall provide subpoena forms and shall keep permanent records of the issuance of subpoenas, the return of service thereof, and the issuance of certifications under paragraph (2) of subsection (b) of this Code section."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.